



PLANNING COMMISSION

MINUTES

September 9, 2009

7:30 P.M.

**CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS**

COMMISSION MEMBERS

**Edward Whelan, III, Chair
Roy McAfee, Vice-Chair
Dr. Roy Gratz, Secretary
Vic Ramoneda
Ricardo Rigual
Susan Spears
Berkley Mitchell**

CITY STAFF

Ray Ocel, Director of Planning

1. CALL TO ORDER

The September 9, 2009 Planning Commission meeting was called to order at 7:30 p.m. by Chairman Ed Whelan who explained the standard meeting procedures.

2. PLEDGE OF ALLEGIANCE

PUBLIC HEARING ITEMS

- 3. SUP2009-14: Rappahannock Refuge Inc. d/b/a as Hope House-** Special Use Permit request to establish a transitional house for homeless women and their children at 900 Lafayette Boulevard. The property is zoned C-T, Commercial Transitional which permits institutional housing by special use permit. The property is designated as Transitional Commercial/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel said that Rappahannock Refuge Inc. d/b/a Hope House is requesting a special use permit to operate a transitional house for homeless families. The five rooms in the building will serve women and their children not the four rooms listed in the application. The property is zoned CT, Commercial Transitional which permits institutional housing by special use permit. As noted in the application, this facility will supplement the existing facility located next door at 902 Lafayette Boulevard that was established by a previously approved special use permit in 1998.

Hope House has owned this property for three years. The building contains approximately 1,400 square feet within two stories. The back of house will be minimally enlarged and will have some façade improvements made which the applicant states will maintain the integrity of the building style and add to the aesthetic beauty and the historic architecture in the downtown Fredericksburg area.

The house will contain 5 bedrooms and 2 bathrooms, with the remaining areas as public areas. The property contains approximately 6,144 square feet of land with the house sited towards the front of the property leaving a large open area in the back. It will retain its residential character which is important in this block. The size scale, and architecture of the house as noted in the black and white rendition submitted with the application, depicts a house that fits in the block and is sympathetic to its surroundings.

In addition to providing housing, the program offers other services that the applicant has enumerated on page 3 of the narrative statement. Please note that the applicant will be utilizing the 6 full time and 8 part time employees currently employed at Hope House for this addition. Their hours will continue to be 9:00 am to 5:00pm with night staff on duty until 5:30 am when the full time staff arrives.

The property is zoned CT Commercial Transitional which permits Institutional Housing with the issuance of a special use permit while the property is surrounded by property zoned CT with CH zoning located on the north side of Lafayette Boulevard and CD, Commercial Downtown to the south. (Cobblestone Square)

The house location survey depicts the layout of the property as well as their property located at 902 Lafayette Boulevard. In addition to the house at 902, a one story structure is also shown to the rear of the property as well as a parking area.

Special use permits are evaluated utilizing the criteria contained within section 14-704 of the Zoning Ordinance and they include:

- (a) The proposed special use at a specified location shall be:
 - (1) In harmony with the adopted comprehensive plan;
 - (2) In harmony with the purpose and intent of the zoning district regulations;
 - (3) In harmony with the existing uses or planned uses of neighboring properties.
- (b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

(a) (1) In harmony with the adopted comprehensive plan.

The future land use map contained within the Comprehensive Plan designates this property as Transitional Commercial/Office. The surrounding properties are also planned the same way with the exception of the properties to the north, which are designated as Commercial. The Cobblestone Square property is designated Downtown Business. The properties lie within Planning Area 6-Downtown Neighborhoods but the Plan does not provide specific language or recommendations addressing this property. However, recommendation number 3 states that:

- 3. Work with property owners to redevelop selected site without adversely impacting residential neighborhoods.
- 6. Continue to promote redevelopment along Lafayette Boulevard that directs the redevelopment away from auto-oriented use.

Objectives in the Housing section include:

4. Support rehabilitation of existing housing stock to preserve the housing character of existing neighborhoods while also maintaining housing affordability.
7. Reduce the economic barriers to affordable housing through appropriate community development programs.
8. Continue to work with non-profit organizations that provide affordable housing opportunities.

The adopted 2005 Consolidated Plan:

This Housing Plan, updated and adopted every 5 years, examines housing and homeless needs, analyzes the existing housing market, sets out a five year strategic plan, and establishes community development priorities.

The 2005 Consolidated Plan generally supports the implementation of services dedicated to finding permanent housing for those who have been displaced due to a variety of situation. A minor change in circumstances can very quickly result in a crisis. Aggressive outreach to this population is needed to include them in homeless prevention training and assistance programs. The expansion of Hope House which focuses on the needs of single women with children will help limit events leading to homelessness and additional difficulties for individuals and the community.

Page 39 of the Plan notes that "The City will generally support applications for related programs and resources for eligible non-profit organizations and other groups" as they relate to special needs populations. Rappahannock Refuge should be considered an eligible organization that the City can support. As the applicant notes on page 1, the City has made a financial commitment to Hope House in the amount of \$20,000 to be used towards a new energy efficient heating and air conditioning system at the house located at 902 Lafayette Boulevard.

Supportive Plan Text:

Pg 39, Implementation (Special Needs Population)

The City will generally support applications for related programs and resources for eligible non-profit organizations and other groups.

(a) (2) In harmony with the purpose and intent of the zoning district regulations.

The intent section of the C-T district states that the district is established to provide for the location of predominantly non-retail uses in a low intensity manner such that they can be employed as transitional land uses between residential neighborhoods and higher intensity uses.

The corresponding uses permitted by right and by special use permit are listed because they contribute towards meeting the intent of the district. Residential and institutional uses are included within the use by special use because it was realized that such uses would be appropriate in certain neighborhoods in the City and would maintain the character of the block on which it is located. In addition, flexibility is provided so that a property zoned CT that is not of a size, shape or location conducive for a commercial use could be developed with a residential use such as the Hope House. Hope House provides transitional housing for adult females with children and once they leave the facility they can transition to a new residence.

The proposed facility fits within the intent section of the CT district as it is a use which will be compatible with the surrounding residential and commercial uses in the area which are discussed in more detail in the next section.

The corresponding uses permitted by right and by special use permit are listed because they contribute towards meeting the intent of the district. An institutional use such as Hope House is

permitted in this district because it is a needed and on-going use to serve the residents of the City and surrounding areas and is supported by the Comprehensive Plan.

(a) (3) In harmony with the existing uses or planned uses of neighboring properties.

The future land use map contained within the Comprehensive Plan designates this property as Transitional Commercial/Office while the properties on the north side of Lafayette Boulevard are planned for Commercial Development. Staff is not aware of any planned projects in the area. It is not anticipated that any other existing land uses in the area will change appreciably in the near future unless the future land use designations change. The Cobblestone Square property is the only development project in the area.

In an attempt to discuss the application with the neighbors prior to its filing, the applicant has notified the existing neighbors as noted on page 6 of the application materials.

(b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

As started earlier the house is located near the front of the property and this keeps the building in line with the other structures on the block and helps maintain its residential character which is important in this block. The size scale, and architecture of the house as noted in the black and white rendition submitted with the application, depicts a house that is sympathetic to its surroundings.

To accommodate staff and visitor parking, the existing parking lot at 902 Lafayette Blvd. will continue to be used.

If the Planning Commission recommends approval of the application, the following conditions are recommended. Mr. Ocel noted that his staff report had inadvertently indicated 9 conditions but that there are 8 conditions proposed.

1. That the house be occupied by no more than 12 residents at any one time.
2. That the facility have 24 hour a day on-site supervision provided by Rappahannock Refuge Inc.
3. That the proposed use of the property is permitted only so long as it continues and is not discontinued for more than two years.
4. The use of the property as an institutional use shall commence within 18 months of the date of the adoption of the City Council resolution.
5. That the property be owned and operated by Rappahannock Refuge Inc. as long as the facility is operated as proposed in the special use permit application.
6. Persons admitted may reside in the house for up to 6 months as noted in the application materials.
7. That the facility be operated in a manner consistent with the application and all supporting materials.
8. Priority in admitting persons to this house shall be as follows:
 - a) Homeless women with children who are from Planning District 16.
 - b) Homeless, pregnant women from Planning District 16.

Dr. Gratz asked if additional parking would be required due to the proposed request.

Mr. Ocel said they will meet parking needs by continuing to utilize the 902 Lafayette Blvd address for parking for staff and that they also use the unimproved street right-of-way for residents. He noted that not all residents (or very few) have a vehicle.

Dr. Gratz asked if Hope House would need to increase parking if they increase their amount of staff persons in the future. He also asked if Mr. Ocel knows how much parking is required for this type of facility.

Mr. Ocel said he would look into the parking issue further as to what would be required should the facility expand its staff. He added that parking is sufficient at this time.

Mr. Rigual referenced Condition #6. He noted that the condition says residents will only be permitted to live there for six months and pointed out that the program, however, is a 24-month program.

Mr. Ocel said the correct time-limit should be 24 months.

Ms. Chandra Western, Executive Director for Hope House clarified the confusion with the 6 months vs 24 month stay. She said they have two programs. One which is 24-months, which would utilize the proposed residence and the other is an "after care" program that is approximately 6 months, which is operated out of their other facility nearby.

There was no public comment on this item.

- 4. SUP2009-15: W. Scott Howson-** Special Use Permit request to utilize the structure located at 710 Lafayette Boulevard as a single family detached dwelling. The property is zoned C-T, Commercial Transitional which permits single family detached dwelling by special use permit. The property is designated as Transitional Commercial/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel said that Scott Howson is the owner of 710 Lafayette Boulevard, zoned Commercial/Office- Transitional (CT), which was the former location of his sign and graphics business. Mr. Howson is applying for a special use permit in order to convert the building to a single-family detached residence.

CT zoning permits residential dwellings as a principal use with a special use permit. With the exception of two lots that are vacant, the 700 block of Lafayette Boulevard is bounded by residential dwelling units. The property across the street, on the north side of Lafayette Boulevard, is zoned Commercial Highway and includes Mr. Dee's Hamburgers. The Cobblestone Square Development, zoned Commercial Downtown, is located behind and to the south of Mr. Howson's property.

Special Use Permits are evaluated utilizing the criteria contained within Section 78-994 of the Zoning Ordinance and those criteria include:

- (a) The proposed special use at a specified location shall be:
 - (1) In harmony with the adopted Comprehensive Plan;
 - (2) In harmony with the purpose and intent of the zoning district regulations;
 - (3) In harmony with the existing uses or planned uses of neighboring properties.

- (b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

(a)(1) In harmony with the adopted Comprehensive Plan.

The property at 710 Lafayette Boulevard falls within Land Use Planning Area 6: Downtown Neighborhoods and is comprehensively planned as Transitional Commercial/Office. While major road improvements are planned for the area of Lafayette Boulevard from the southern end of the City limits to the Blue and Gray Parkway, the portion of Lafayette Boulevard in Planning Area 6 will not be affected.

While no specific guidance pertaining to this application is given in the Land Use Planning Area 6, the following excerpts from the Comprehensive Plan are applicable to this application:

POLICIES FOR NEIGHBORHOODS [page 42]

12. Support rehabilitation of existing housing to preserve the character of existing neighborhoods, while discouraging tear-downs to build larger homes.

HOUSING POLICIES [page 81]

3. Encourage retention and rehabilitation of existing residential dwelling units as a means to maintain affordable units.

(a)(2) In harmony with the purpose and intent of the zoning district regulations;

The CT district is established to provide for the location of predominantly non-retail commercial uses in a low intensity manner such that they can be employed as transitional land uses between residential neighborhoods and higher intensity uses. A special use permit is required for residential dwellings as a means of ensuring a limited range of low intensity uses throughout the district.

(a)(3) In harmony with the existing uses or planned uses of neighboring properties.

The south side of Lafayette Boulevard, between Spotswood and Littlepage Streets, is predominately residential. The Cobblestone Development, located behind the Howson property, provides an additional element of residential use. On the north side of the street from 710 Lafayette Boulevard the zoning changes to Commercial Highway and the uses are a mixture of commercial and residential. To the north of the site is a restaurant, Mr. Dee's.

- (b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

While this property was once a commercial business the structure has maintained its residential appearance. The applicant's rehabilitation of the property as a residence will eliminate what was a vacant building in the midst of single-family residential dwellings. No other improvements are contemplated at this time.

The width of the existing structure prohibits providing off-street parking. When used as a sign and graphics business the site was subject to regular client visits, truck deliveries and had up to three employees working in the building. All vehicular traffic, employee parking, visitors and deliveries occurred on the street. The transition of the property from a commercial business to a

residence will decrease the amount and intensity of traffic and on-street parking needs at this location.

Mr. Ocel said that staff recommends approval of the special use permit with the following condition:

1. The proposed use of the property is permitted only so long as it continues and is not discontinued for more than two years.
2. The proposed residential use shall obtain an occupancy permit within 9 months of City Council approval of the special use permit.

Mr. Howson said the subject property, which had been the location of his former business, is to be renovated back into a home for his grandson, daughter and son-in-law to reside and raise a family.

There was no public comment on this item.

5. **Zoning Ordinance Text Amendment** - Amending City Code Chapter 78, Zoning, Planning and Development, Article I, In General, Board of Zoning Appeals Section 78-6 in order to bring this Section into compliance with the State Code. The amendment addresses the number of Board members who are required to be present at a meeting to constitute a quorum and the number of Board members needed to take action on an application.
6. **Zoning Ordinance Text Amendment** - Amending City Code Chapter 78, Zoning, Planning and Development, Article III, Zoning, Division 31, Variances, Special Use Permits and Special Exceptions in order to bring this Section into compliance with the State Code. The amendment removes the language "approaching confiscation" in regard to the review criteria the Board of Zoning Appeals must find when granting a variance.

Mr. Ocel asked that the two Text Amendments be publicly heard together. He said that the purpose of the amendments is basically housecleaning as the City is required to update its zoning ordinance to ensure it mimics the new language recently approved by the General Assembly.

The 2009 session of the Virginia General Assembly enacted several bills related to land use and zoning. The three text amendments proposed in this memorandum are in response to the 2009 legislation and are amendments necessary in order to bring the Zoning Ordinance into compliance with the Code of Virginia, specifically Title 15.2, Counties, Cities and Towns, Chapter 22, Planning, Subdivisions of Land and Zoning.

Specifically, he said, the following changes are recommended:

House Bill 1637 – Boards of zoning appeals; when actions may be taken.

Amends § 15.2-2308 to allow local boards of zoning appeals to take action when a majority of those present and voting vote as opposed to the requirement that a majority of the entire board vote. The requirement that a quorum or the entire board be present to initiate a hearing is maintained.

Recommendation – Staff recommends an amendment to Section 78-6(e), Article I, In General, Board of Zoning Appeals.

House Bill 2326 – Zoning appeals, board of; changes standard by which variance can be granted.

Amends § 15.2-2309 to change the standard by which a variance can be granted by eliminating the requirement for a showing of a hardship "approaching confiscation." The phrase "approaching confiscation" has been removed as a criteria, thus making obtaining a variance easier.

Recommendation – Staff recommends an amendment to Section 78-992(a), Article III, Division 31, Variances, Special Use Permits and Special Exceptions.

Dr. Gratz asked for clarification regarding number of members required to be present for the conduct of a meeting and when a vote is taken.

Mr. Ocel said you would need a majority of members of the BZA. He also provided vote scenarios.

There was no public comment on either of the proposed Zoning Ordinance Text Amendments.

UNFINISHED BUSINESS/ACTION ITEMS

7. **SUP2009-14: Rappahannock Refuge Inc. d/b/a as Hope House-** Special Use Permit request to establish a transitional house for homeless women and their children at 900 Lafayette Boulevard. The property is zoned C-T, Commercial Transitional which permits institutional housing by special use permit. The property is designated as Transitional Commercial/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. McAfee made a motion to recommend approval of Special Use Permit 2009-14, with the revised eight conditions as outlined by staff.

Dr. Gratz seconded the motion. Dr. Gratz also asked for clarification regarding condition #6 noting that the applicant had indicated the program is 24 months and an additional 6 month follow up.

Ms. Chandra Wester, Exec Director for Hope House, clarified that the program being offered for this facility is an 18-24-month program and that after 24 months (2 years), the participants transition into the 6 month follow up program that is actually at their facility near the proposed site.

Mr. McAfee asked that the record reflect the revised language for Condition #6, as follows:

"6. Persons admitted may reside in the house for up to 24 months, as noted in the application materials."

Mr. Whelan noted that he had the privilege of working with Hope House in the past and came to know its value to the community and appreciates the services they continue to provide.

Motion carried unanimously by a vote of 7 – 0.

8. **SUP2009-15: W. Scott Howson-** Special Use Permit request to utilize the structure located at 710 Lafayette Boulevard as a single family detached dwelling. The property is zoned C-T, Commercial Transitional which permits single family detached dwelling by special use permit. The property is designated as Transitional Commercial/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. McAfee made a motion to approve the special use permit with the two conditions outlined by staff.

Mr. Ramoneda seconded the motion.

Mr. Ocel verified with the applicant that the 9 month time-limit to obtain an occupancy permit was not too strict given the current state of the economy.

Mr. Howson confirmed that he is in agreement with the 9 month limit.

Motion carried unanimously by a vote of 7 - 0

- 9. Zoning Ordinance Text Amendment** - Amending City Code Chapter 78, Zoning, Planning and Development, Article I, In General, Board of Zoning Appeals Section 78-6 in order to bring this Section into compliance with the State Code. The amendment addresses the number of Board members who are required to be present at a meeting to constitute a quorum and the number of Board members needed to take action on an application.

Mr. Rigual made a motion to recommend approval of the zoning ordinance text amendment.

Mr. Ramoneda seconded the motion.

Motion carried unanimously by a vote of 7 – 0.

- 10. Zoning Ordinance Text Amendment** - Amending City Code Chapter 78, Zoning, Planning and Development, Article III, Zoning, Division 31, Variances, Special Use Permits and Special Exceptions in order to bring this Section into compliance with the State Code. The amendment removes the language “approaching confiscation” in regard to the review criteria the Board of Zoning Appeals must find when granting a variance.

Ms. Spears made a motion to recommend approval of the zoning ordinance text amendment.

Mr. Mitchell seconded the motion.

Motion carried by a vote of 7 – 0.

OTHER BUSINESS

- 11.** The August 26, 2009 Planning Commission Minutes were approved as submitted.

12. Planning Commissioner Comments

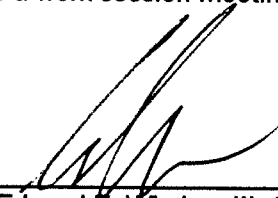
- With respect to the second Zoning Ordinance Text Amendment to remove the language “approaching confiscation”, he asked follow commissioners Rigual and Gratz (who have or currently serve on the BZA) if they could clarify for him what constitutes standard of hardship, and whether they see this as a potentially considerable change.
- Mr. Rigual provided case scenarios and noted that he believes this will be a substantial change because current case law is based on “approaching confiscation.” Dr. Gratz agreed.

13. Planning Director Comments

- Mr. Ocel noted that the Council had conducted a work session the evening of the 8th with representatives of the Cal Ripken Foundation and provided an update of the process as the park continues to move forward.
- Mr. Ocel provided an update of recent City Council action from their September 8th meeting.

- Mr. Whelan asked if Mr. Ocel had a Mixed Use Ordinance update and Riverfront Park Plan Update.
- Mr. Ocel noted that the Riverfront Park Plan contract should be announced this week and he provided an update of the process/phases of the plan.
- Mr. Ocel said he would like to have a draft of the proposed Mixed Use Ordinance available prior to September 30th, which would be the next scheduled PC meeting. He noted that since the Commission had dispensed of all agenda business this evening that he would propose to use the September 30th date, at 4:00 p.m., as a work session meeting.

MEETING ADJOURNED



Edward F. Whelan, III, Chair